



ARIZONA DEPARTMENT OF ECONOMIC SECURITY

1789 W. Jefferson • P.O. Box 6123 • Phoenix, AZ 85005

Jane Dee Hull
Governor

John L. Clayton
Director

April 25, 2002

WORKFORCE INFORMATION POLICY (WIP) MEMO #06-02

SUBJECT: State Dislocated Worker/Rapid Response Processes

REFERENCE: P.L. 105-220 Workforce Investment Act (WIA) of 1998, Section 101 (9) and (10), Section 134 (a)(2)(A)(ii), (b)(1)(2), (d)(2)(3)(4); 20 CFR Part 663, Subpart A, B, and C of WIA Final Rules dated August 11, 2000

BACKGROUND: Thus far, during the current Workforce Investment Act (WIA) Program Year (July 1, 2001 through June 30, 2002), the Workforce Development Administration (WDA) has hosted two "Dislocated Worker Roundtables" - one in Gold Canyon Ranch, Arizona November 7 - 9, 2001 and one in Tucson March 20 - 22, 2002. These meetings are intended to promote strong linkages and service coordination among agencies throughout the state responsible for serving dislocated workers and their families under WIA. Additionally, these meetings offer attendees an opportunity to develop a common understanding of the federal regulations and state policies related to Dislocated Worker (DW) and Rapid Response (RR) activities. As a direct result of discussions among state staff, local area program staff, and United State Department of Labor (USDOL) representatives at the two roundtables, the following guidance is provided:

Note: The answers below are provided with the assumption that a Local Workforce Investment Area (LWIA) has sufficient funds to serve all those meeting eligibility requirements as dislocated workers.

QUESTION 1: Workers dislocated within certain industries (Examples: hotels, restaurants, and construction) are generally able to find new jobs rather quickly because of the abundance of work available. Therefore, may local areas choose not to serve these workers, based on the industry from which they were dislocated?

ANSWER: All individuals meeting the definition of a dislocated worker as outlined in Section 101 (9) and (10) of WIA shall be served, regardless of the industry from which they became dislocated.

QUESTION 2: Can the federal I-9 Form (Employment Eligibility Verification) be completed by local area staff and used as the basis for determining U.S. citizenship or right to work in the United States?

ANSWER: The I-9 Form may only be completed by an employer. In instances where the local area office is paying all or a portion of the wages earned by a participant and, therefore, is the "employer of record", local area staff may complete the I-9 after verifying the participant's supporting documentation (e.g. birth certificate, passport, Selective Service card, etc.) as required in the I-9 Form. This is the *only* circumstance in which completion of an I-9 by local area staff is allowed.

QUESTION 3: A dislocated worker provides proof that he/she will be employed in a particular occupation if the LWIA allows the DW to attend training. However, the occupation for which the DW wants to train is not on the occupations-in-demand list for the LWIA. Can the LWIA send the DW to this training?

ANSWER: The LWIA may send the DW to the training he/she requests as long as the DW provides proof that employment is available after training.

QUESTION 4: If an employer makes a general announcement concerning a plant closure or mass layoff, but does not provide a definite date on which the closure or layoff will occur, may the LWIA enroll the affected employees as dislocated workers?

ANSWER: If the date of closure or layoff is unknown, the LWIA may provide only **core services** to the affected workers until a definite date is announced. The LWIA may provide all three tiers of service (core, intensive, and training) once the date of closure or layoff is formally announced, as long as the announcement date is within 180 days of a DW's eligibility date.

QUESTION 5: How is "attachment to the workforce" defined?

ANSWER: The definition of "attachment to the workforce" is a local area decision; however it *should not* be defined for all DW's as a specific employment time frame (e.g. number of months on the job). We recommend that "attachment to the workforce" be determined on a case-by-case basis and that the basis of the determination is a duration of time sufficient to demonstrate acquisition of the knowledge, skills, and abilities to perform the job.

QUESTION 6: How is "unlikely to return" to the previous occupation determined?

ANSWER: In making a determination of "unlikely to return" to the previous occupation as a basis for DW eligibility, WDA recommends that each LWIA use one or more of the following sources as the basis of such determination:

- (1) Most current Occupations -in- Demand List in effect for the LWIA.
- (2) Occupational forecasts compiled by the DES Research Administration (Refer to Research Administration's web site at <http://www.de.state.az.us/links/economic/webpage.>)
- (3) Arizona One-Stop system employment resources (Refer to the One-Stop web site at [http://www.de.state.az.us/oscc/.](http://www.de.state.az.us/oscc/))
- (4) Analysis of a DW's previous employment tasks and the extent to which, these tasks are transferable to other occupations.
- (5) Barriers which may prevent a DW from returning to the previous occupation.

QUESTION 7: Is the spouse of a dislocated worker eligible as a DW under WIA?

ANSWER: If the spouse of a DW was dependent upon the earnings of the DW, and the spouse had been providing unpaid service to family members in the home, **and** the spouse is unemployed, underemployed, experiencing difficulty in obtaining, or upgrading employment, then the spouse may qualify as a displaced homemaker. Therefore, LWIAs should encourage DW's to refer their spouses to the One-Stop centers for eligibility determinations.

If you have additional questions, please contact Mr. Freddie Denogean or myself at (602) 542-3957. Your participation in the state DW Roundtables is appreciated.

Sincerely,

Ron Delgado
Acting Dislocated Worker/Rapid Response Coordinator
Workforce Development Administration

PG:RD:kds

c: Ms. Elaine Tom-Yates